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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,810	11/24/2003	Hayami Nakagawa	0649-0931P	3459
2292	7590	01/25/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	
DATE MAILED: 01/25/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/718,810	Applicant(s) NAKAGAWA, HAYAMI	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-11 and 13-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-11 and 13-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/27/05</u> | 6) <input type="checkbox"/> Other: _____ |

Drawings

The drawing corrections filed November 2, 2004 have been approved.

The drawings, however, are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inner edge of the base plate in contact with the inner edge of the inner panel must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Although figure 1 shows a line which extends around an inner perimeter of the base plate, this line does not definitively show an "edge". Note that in figure 2 the base plate is not shown with an edge

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

Art Unit: 3634

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the specification fails to provide antecedent basis for the claim limitation of the inner edge of the base plate being in contact with the inner edge of the inner panel.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Okamoto et al. Okamoto et al. discloses a door for a vehicle comprising an outer panel 1, an inner panel 2 having longitudinal front, rear and lower edges (not numbered, but shown in figure 1) with a central portion open to form a central opening (not numbered, but shown in figure 1), the inner panel has an inner edge (not numbered, but comprising the portion of the inner panel 2 including the channel 7) and a base plate B to which at least a window regulator module 31 is assembled and which is attached to the inner

Art Unit: 3634

panel so as to wholly cover the central opening of the inner panel wherein the base plate has an inner edge 24 in contact with the inner edge of the inner panel, a belt line reinforcement 13.

Claims 1, 5, 6, 9-11 and 13-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakaguchi et al. Sakaguchi et al. discloses a door for a vehicle comprising an outer panel 13, an inner panel 20, 21, 22 having longitudinal front, rear and lower edges (not numbered, but shown in figure 2) with a central opening (not numbered, but shown in figure 2), the inner panel has an inner edge (not numbered, but shown in figure 2 adjacent the central opening) and a base plate 12 to which at least a window regulator module 50 is assembled and which is attached to the inner panel so as to wholly cover the central opening of the inner panel wherein the base plate has an inner edge (not numbered, but shown in figure 2) in contact with the inner edge of the inner panel, wherein the base plate is attached to the inner panel so as to cover the central opening from a vehicle compartment outer side of the inner panel, a belt line reinforcement 44.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sakaguchi et al. as applied to claims 1, 5, 6, 9-11 and 13-16 above, and further in view of Baldamus et al. Baldamus et al. disclose the use of screws 16 to attach an inner panel to a base plate.

It would have been obvious to one of ordinary skill in the art to provide Sakaguchi et al. with screws, as taught by Baldamus et al., to increase the ease of assembling the door.

Response to Arguments

Applicant's arguments filed November 10, 2005 have been fully considered but they are not persuasive.

With respect to the applicant comments concerning Okamoto et al., the examiner respectfully disagrees. Since claim 1 does not limit the base plate to a single homogenous element, Okamoto et al. teaching a base plate comprising a plurality of elements does not prevent Okamoto et al. from anticipating the claims. In other words, Okamoto et al. teaches a base plate B comprising more than one component, i.e., 24, and there is nothing in claim 1 to prevent such an interpretation.

The applicant's comments concerning Sakaguchi et al., as best understood by the examiner, are not persuasive. Sakaguchi et al. in figure 2 clearly discloses an inner panel 20, 21 and 22 having an inner edge which as noted above is not numbered, but comprises the edge of the inner panel 20, 21 and 22 which defines the central opening. Additionally, figure 2 of Sakaguchi et al. discloses a base plate¹² having a lower

Art Unit: 3634

portion 45 which includes an inner edge comprising lower most edge of the lower portion. When the base plate is attached to the inner panel, as shown in figure 3, the lower most edge is in contact with the inner edge of the inner panel.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 3634

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 571-272-6836. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Gregory J. Strimbu', with a long horizontal flourish extending to the right.

Gregory J. Strimbu
Primary Examiner
Art Unit 3634
January 20, 2006